

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 645

Introduced by Senator Simitian

February 18, 2011

An act to amend ~~Section 47607~~ *Sections 47607 and 47607.5* of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 645, as amended, Simitian. Charter schools: charter renewal.

The Charter Schools Act of 1992 (Charter Schools Act) specifies the procedures for the submission, review, and approval or denial of a petition to establish a charter school. The Charter Schools Act limits the duration of charters to a period not to exceed 5 years, and authorizes the chartering authority to grant one or more subsequent renewals for an additional period of 5 years. The Charter Schools Act prescribes the requirements a charter school must meet in order to have its charter renewed, including a requirement that a charter school that has been in operation for 4 years satisfy at least one of several specified criteria regarding academic performance.

This bill would change the criteria a charter school is required to meet in order to have its charter renewed. The bill would ~~require the Superintendent of Public Instruction to identify the charter schools that have not met the renewal criteria and notify the charter school and its authorizer. The bill would prohibit the renewal of a charter of a school that does not meet the criteria unless the State Board of Education approves the renewal. The bill would authorize a charter school that does not meet the renewal criteria but wants the state board to consider approving the renewal of its charter to submit to the Superintendent copies of supporting documentation and a written summary of the basis~~

for its request. The bill would require the Superintendent to review the materials and recommend to the state board whether it should approve or disapprove the charter renewal. *make these criteria inoperative if the state board adopts an academic accountability system and finds that the system it adopts is consistent with specified characteristics. The bill also would require the State Board of Education to adopt regulations designating a level of annual academic achievement growth that qualifies a charter for renewal.*

~~The bill would authorize the state board to replace or revise the renewal criteria established by this bill if the new or revised criteria aligns with metrics of pupil performance that recognize individual pupil progress or changes in the state school accountability program.~~

The bill would authorize a charter school not meeting the renewal criteria to apply to the state board for a determination of academic eligibility for the renewal of its charter by submitting evidence of the school's academic success. The bill would require the advisory committee that is appointed by the state board to recommend criteria to the state board for the determination of funding for nonclassroom-based instruction to publicly hear an application for the determination of academic eligibility and make a recommendation to the state board on the application. The bill would require the state board to issue a positive determination of academic eligibility if the state board finds that the charter school adequately demonstrates that the academic performance of the charter school meets or exceeds its predicted performance based on a statistical evaluation of similar pupil populations.

The bill also would make a conforming change.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 47607 of the Education Code is amended
- 2 to read:
- 3 47607. (a) (1) A charter may be granted pursuant to Sections
- 4 47605, 47605.5, and 47606 for a period not to exceed five years.
- 5 A charter granted by a school district governing board, a county
- 6 board of education or the state board, may be granted one or more
- 7 subsequent renewals by that entity. Each renewal shall be for a
- 8 period of five years. A material revision of the provisions of a

1 charter petition may be made only with the approval of the
2 authority that granted the charter. The authority that granted the
3 charter may inspect or observe any part of the charter school at
4 any time.

5 (2) Renewals and material revisions of charters are governed
6 by the standards and criteria in Section 47605, and shall include,
7 but not be limited to, a reasonably comprehensive description of
8 any new requirement of charter schools enacted into law after the
9 charter was originally granted or last renewed. ~~A renewal decision~~
10 ~~shall be based primarily on an assessment of the actual academic~~
11 ~~and operational performance of the charter school.~~

12 ~~(b) After a charter school has been in operation for four years,~~
13 ~~it shall meet at least one of the following criteria before having its~~
14 ~~charter renewed pursuant to paragraph (1) of subdivision (a) or~~
15 ~~complete the process described in subdivision (c):~~

16 ~~(1) Attain an Academic Performance Index (API) score of at~~
17 ~~least 700 in the most recent year.~~

18 ~~(2) Attain a cumulative API growth of at least 30 points over~~
19 ~~the last three API cycles. For purposes of this paragraph, an API~~
20 ~~cycle represents the difference between a current year growth API~~
21 ~~and the prior year's base API.~~

22 ~~(3) Rank in deciles 6 to 10, inclusive, on the API for a~~
23 ~~demographically comparable school in the prior year or in two of~~
24 ~~the last three years for which similar school ranks are available as~~
25 ~~of October 1. A school that does not generate a similar school rank~~
26 ~~shall be deemed not to have met this criterion.~~

27 ~~(4) Qualify for an alternative accountability system pursuant to~~
28 ~~subdivision (h) of Section 52052.~~

29 ~~(e) (1) By October of each year, the Superintendent shall~~
30 ~~identify the charter schools that have not met the criteria in~~
31 ~~subdivision (b) and notify the charter school and its authorizer of~~
32 ~~that fact.~~

33 ~~(2) If a charter is due to expire within the school year, or the~~
34 ~~chartering authority is considering early renewal of the charter,~~
35 ~~the chartering authority shall not renew a charter of a school that~~
36 ~~does not meet the criteria in subdivision (b) unless the state board~~
37 ~~approves of the renewal.~~

38 ~~(3) If a charter school does not meet the criteria in subdivision~~
39 ~~(b) and wants the state board to consider approving the renewal~~
40 ~~of its charter, the charter school shall submit to the Superintendent,~~

1 by November 15, copies of supporting documentation and a written
2 summary of the basis for its request. The documentation may
3 include information on individual pupil achievement, additional
4 analysis of similar pupil populations, or other data.

5 (4) The Superintendent shall review the materials and
6 recommend to the state board whether it should approve or
7 disapprove the charter renewal.

8 (5) At the next meeting following receipt of the Superintendent's
9 recommendation, the state board may take action to approve
10 renewal of the charter if it finds that the materials provided by the
11 charter school warrants renewal. Unless the state board approves
12 the charter renewal, the chartering authority shall not renew the
13 charter.

14 (d) The state board may replace the criteria in subdivision (b)
15 or revise that criteria if the new or revised criteria aligns with
16 metrics of pupil performance that recognize individual pupil
17 progress or changes in the Public School Performance
18 Accountability Program (Article 2 (commencing with Section
19 52051) of Chapter 6.1 of Part 28).

20 (b) The authorizer of a charter school that has been in operation
21 for at least four years shall not consider or grant the renewal of
22 the school's charter unless the school meets, based on data
23 available as of October 1 of the fiscal year of the renewal, at least
24 one of the following criteria:

25 (1) An Academic Performance Index (API) score of at least 700
26 in the most recent year.

27 (2) A cumulative API growth of at least a total of 30 points over
28 the last three API cycles. For purposes of this paragraph, API
29 growth for one cycle is the difference between a current year
30 growth API and the prior year's base API. The growth required
31 pursuant to this paragraph shall not be measured as the difference
32 between the most recent growth API score and the growth API
33 score from three years prior to that score.

34 (3) A rank in any decile between 6 to 10, inclusive, on the API
35 for a demographically comparable school in the prior year or in
36 two of the last three years for which demographically comparable
37 school ranks are available. A school that does not generate a
38 demographically comparable school rank is ineligible to meet this
39 criterion.

1 (4) *Participation in the alternative accountability system*
2 *pursuant to subdivision (h) of Section 52052.*

3 (5) *Receipt of a determination of academic eligibility for renewal*
4 *from the state board within the prior 12 months.*

5 (c) (1) *A charter school may apply to the state board for a*
6 *determination of academic eligibility for the renewal of its charter*
7 *by submitting evidence of the school's academic success. Evidence*
8 *supporting an application may include, but is not limited to,*
9 *information on individual pupil achievement, including longitudinal*
10 *data that demonstrate individual pupil progress, analysis of similar*
11 *pupil populations, or other relevant data as determined by the*
12 *school.*

13 (2) *The advisory committee created pursuant to subdivision (b)*
14 *of Section 47634.2 shall publicly hear an application for a*
15 *determination of academic eligibility for the renewal of a charter,*
16 *and shall make a recommendation to the state board on the*
17 *application.*

18 (3) *The state board shall issue a positive determination of*
19 *academic eligibility if the state board finds that the charter school*
20 *adequately demonstrates that the academic performance of the*
21 *charter school meets or exceeds its predicted performance based*
22 *on a statistical evaluation of similar pupil populations.*

23 (d) *If the state board adopts an academic accountability system*
24 *and finds that the system it adopts is consistent with subdivisions*
25 *(b) and (c) of Section 52052.6, paragraphs (1) to (4), inclusive, of*
26 *subdivision (b) of this section shall become inoperative and the*
27 *state board shall adopt regulations designating a level of annual*
28 *academic achievement growth that qualifies a charter for renewal.*

29 (e) *A charter may be revoked by the authority that granted the*
30 *charter under this chapter if the authority finds, through a showing*
31 *of substantial evidence, that the charter school did any of the*
32 *following:*

33 (1) *Committed a material violation of any of the conditions,*
34 *standards, or procedures set forth in the charter.*

35 (2) *Failed to meet or pursue any of the pupil outcomes identified*
36 *in the charter.*

37 (3) *Failed to meet generally accepted accounting principles, or*
38 *engaged in fiscal mismanagement.*

39 (4) *Violated any provision of law.*

1 (f) Prior to revocation, the authority that granted the charter
2 shall notify the charter public school of any violation of this section
3 and give the school a reasonable opportunity to remedy the
4 violation, unless the authority determines, in writing, that the
5 violation constitutes a severe and imminent threat to the health or
6 safety of the pupils.

7 (g) Prior to revoking a charter for failure to remedy a violation
8 pursuant to subdivision (f), and after expiration of the school's
9 reasonable opportunity to remedy without successfully remedying
10 the violation, the chartering authority shall provide a written notice
11 of intent to revoke and notice of facts in support of revocation to
12 the charter school. No later than 30 days after providing the notice
13 of intent to revoke a charter, the chartering authority shall hold a
14 public hearing, in the normal course of business, on the issue of
15 whether evidence exists to revoke the charter. No later than 30
16 days after the public hearing, the chartering authority shall issue
17 a final decision to revoke or decline to revoke the charter, unless
18 the chartering authority and the charter school agree to extend the
19 issuance of the decision by an additional 30 days. The chartering
20 authority shall not revoke a charter, unless it makes written factual
21 findings supported by substantial evidence, specific to the charter
22 school, that support its findings.

23 (h) (1) If a school district is the chartering authority and it
24 revokes a charter pursuant to this section, the charter school may
25 appeal the revocation to the county board of education within 30
26 days following the final decision of the chartering authority.

27 (2) The county board may reverse the revocation decision if the
28 county board determines that the findings made by the chartering
29 authority under subdivision (g) are not supported by substantial
30 evidence. The school district may appeal the reversal to the state
31 board.

32 (3) If the county board does not issue a decision on the appeal
33 within 90 days of receipt, or the county board upholds the
34 revocation, the charter school may appeal the revocation to the
35 state board.

36 (4) The state board may reverse the revocation decision if the
37 state board determines that the findings made by the chartering
38 authority under subdivision (g) are not supported by substantial
39 evidence. The state board may uphold the revocation decision of
40 the school district if the state board determines that the findings

1 made by the chartering authority under subdivision (g) are
2 supported by substantial evidence.

3 (i) (1) If a county office of education is the chartering authority
4 and the county board revokes a charter pursuant to this section,
5 the charter school may appeal the revocation to the state board
6 within 30 days following the decision of the chartering authority.

7 (2) The state board may reverse the revocation decision if the
8 state board determines that the findings made by the chartering
9 authority under subdivision (g) are not supported by substantial
10 evidence.

11 (j) If the revocation decision of the chartering authority is
12 reversed on appeal, the agency that granted the charter shall
13 continue to be regarded as the chartering authority.

14 (k) During the pendency of an appeal filed under this section,
15 a charter school, whose revocation proceedings are based on
16 paragraph (1) or (2) of subdivision (e), shall continue to qualify
17 as a charter school for funding and for all other purposes of this
18 part, and may continue to hold all existing grants, resources, and
19 facilities, in order to ensure that the education of pupils enrolled
20 in the school is not disrupted.

21 (l) Immediately following the decision of a county board to
22 reverse a decision of a school district to revoke a charter, the
23 following shall apply:

24 (1) The charter school shall qualify as a charter school for
25 funding and for all other purposes of this part.

26 (2) The charter school may continue to hold all existing grants,
27 resources, and facilities.

28 (3) Any funding, grants, resources, and facilities that had been
29 withheld from the charter school, or that the charter school had
30 otherwise been deprived of use, as a result of the revocation of the
31 charter shall be immediately reinstated or returned.

32 (m) A final decision of a revocation or appeal of a revocation
33 pursuant to subdivision (e) shall be reported to the chartering
34 authority, the county board, and the department.

35 *SEC. 2. Section 47607.5 of the Education Code is amended to*
36 *read:*

37 47607.5. If either a school district governing board or a county
38 board of education, as a chartering agency, does not grant a renewal
39 to a charter school pursuant to Section 47607 and the charter
40 school is eligible for renewal pursuant to subdivision (b) of Section

- 1 47607, the charter school may submit its application for renewal
- 2 pursuant to the procedures pertaining to a denial of a petition for
- 3 establishment of a charter school, as provided in subdivision (j)
- 4 of Section 47605.